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FILED

SEP - 8 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SALINAS DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 TORY G. CARPENTER,

17 Defendant.

) Criminal No.: CR-08-00257 PVT

) ~~STIPULATION AND [PROPOSED]~~
) ORDER EXCLUDING TIME

18
19 On August 4, 2008, the parties in this case appeared before the Court for a status hearing.
20 The parties jointly requested that the case be continued from August 4, 2008, until October 6,
21 2008 at 9:30 a.m., in order to allow time for defendant's counsel to prepare for the case. In
22 addition, the parties requested an exclusion of time under the Speedy Trial Act, from August 4,
23 2008 to October 6, 2008 at 9:30 a.m. The parties agree and stipulate that an exclusion of time is
24 appropriate based on the defendant's need for effective preparation of counsel.
25
26

1 SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

2
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4 DATED:

/S/
ROBERT N. MICHAELS
Special Assistant United States Attorney

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6
7 DATED:

/S/
NICK HUMY
Counsel for CARPENTER

8
9
10 ORDER

11 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
12 under the Speedy Trial Act from August 4, 2008 to October 6, 2008. The Court finds, based on
13 the aforementioned reasons, that the ends of justice are served by granting the requested
14 continuance and outweigh the best interest of the public and the defendant in a speedy trial. The
15 failure to grant the requested continuance would deny defense counsel reasonable time necessary
16 for effective preparation, taking into account the exercise of due diligence, and would result in a
17 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made
18 under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

19 SO ORDERED.

20
21 DATED: 9/8/08


HOWARD R. LLOYD
United States Magistrate Judge